

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MELANIE DAVIS,

Plaintiff,

vs.

HARVEY OAKS, L.L.C., and
SPIRIT SPE ALBTSN PORTFOLIO 2013-6,
LLC,

Defendants.

8:18CV136

ORDER

This matter is before the Court on the Motion to Withdraw ([Filing No. 11](#)) as to Defendant Spirit SPE Albtsn Portfolio 2013-6, LLC, (“Spirit SPE”) filed by attorney Katherine McNamara. On April 4, 2018, Ms. McNamara entered her appearance on behalf of both defendants ([Filing No. 6](#)), and on April 12, 2018, filed a motion for an extension of time to file a responsive pleading on behalf of both defendants ([Filing No. 7](#)). The Court granted the motion by text order and extended the responsive pleading deadline for both defendants to May 15, 2018. (Filing No. 10).

According to Ms. McNamara’s motion to withdraw, her appearance on behalf of Spirit SPE was entered through administrative/clerical error. Ms. McNamara represents that “Plaintiff served a copy of the Summons and Complaint solely on Defendant Harvey Oaks, L.L.C. on or about April 3, 2018,” and that the two defendants are not related entities. Therefore, Ms. McNamara requests to withdraw her appearance on behalf of Spirit SPE. The Court will grant the motion.

A review of the docket reflects that the Plaintiff has not filed proof of service/summons returned executed as to defendant Spirit SPE. Therefore, the Court will terminate the current answer deadline for Spirit SPE, as there is no evidence that it has been properly served with notice of this lawsuit pursuant to Rule 4 of the Federal Rules of Civil Procedure. Accordingly,

IT IS ORDERED:

1. The Motion to Withdraw as to Defendant Spirit SPE Albtsn Portfolio 2013-6, LLC ([Filing No. 11](#)) filed by attorney Katherine A. McNamara is granted. The Clerk of Court

shall terminate Ms. McNamara's appearance on behalf of defendant Spirit SPE Albtsn Portfolio 2013-6, LLC.

2. The Clerk of Court shall mail a copy of this Order to: Spirit SPE Albtsn Portfolio 2013-6, LLC, C T Corporation System, 5601 South 59th Street, Lincoln, Nebraska 68516.

3. The Clerk of Court shall terminate the answer deadline for Spirit SPE.

Dated this 26th day of April, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge